

Susan Elizabeth Zawislak - Brewington

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1 component?

2 Q. No. What I'm talking about is that you
3 indicated that there are other areas?

4 A. Oh, okay. Okay. Go ahead. I'll let you
5 finish the question.

6 Q. Are there other areas that provide for
7 confidential communication. You mentioned the
8 tutoring room. I asked you if there were computers in
9 that room, and you said yes. I then asked you who
10 uses those computers. And you said all of the
11 students in the program, did you not?

12 A. And students in the program --

13 MR. McMACKIN: Objection.
14 Mischaracterizes the witnesses's testimony.

15 A. The students in the program don't come to the
16 campus until after their school day during the
17 academic year. In the summertime they are not getting
18 tutoring. They are getting instruction in the
19 classrooms.

20 Q. I'm not necessarily talking about the
21 summertime. I'm talking about at any time.

22 A. Students are in school during the regular
23 school day. Therefore, they are not in the tutoring
24 room. They're only there for a couple hours, three



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1 o'clock, four o'clock, five o'clock in the tutoring
2 room.

3 Q. So are you saying that the students don't use
4 the computers until three o'clock during the day? Is
5 that what you're saying?

6 A. When they are in school, they are in school and
7 they come for tutoring in that tutoring room that has
8 computers in it.

9 Q. So it's your position that the conference room
10 or tutoring room allows for confidential
11 communications until three o'clock, is that correct?

12 MR. McMACKIN: Objection. It
13 mischaracterizes the witness's testimony.

14 A. It's -- during the school year there are --
15 students are in school. They are not in the tutoring
16 room.

17 Q. Well, isn't this tutoring room also a copy
18 room?

19 A. Not that I'm aware of.

20 Q. So you don't know whether there is actually a
21 copier in that room?

22 A. In the tutoring room?

23 Q. In the tutoring room?

24 A. I cannot say.



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1 Q. You can't say.

2 Is it fair to say that, if a copier was in
3 that room, that it would not provide for confidential
4 communication?

5 MR. McMACKIN: Objection. Calls for
6 speculation.

7 A. Yeah. Copier. The --

8 Q. Do you understand the question?

9 A. Yes. There are numerous copiers that could be
10 utilized if a space was being used for private
11 conversation.

12 Q. Okay. That's fair.

13 A. And I don't even know if there's a copier in
14 that room, so that is speculation.

15 Q. Well, say, if the copier was in use because
16 there is a copier in there --

17 MR. McMACKIN: Are you making that
18 representation?

19 MS. BREWINGTON: I'm making that
20 representation.

21 BY MS. BREWINGTON:

22 Q. That office of the tutoring room with the
23 computers and copier would not allow for confidential
24 communications, is that correct?



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1 MR. McMACKIN: Objection. Argumentative.

2 A. If you have a large copy load, you could go to
3 a copy center. There's a copy center on the floor.
4 There are other copiers on the floor. If you're
5 making one copy and somebody's coming in, whether
6 the -- coming in -- hey, I'm out of here. You need to
7 talk to a student. There's copiers in other places,
8 and I don't even know that there was a copier in the
9 place where you're saying that there might be.

10 Q. Now I'm talking about after the move.

11 A. Okay.

12 Q. Do other TRIO programs have some form of
13 partitions for privacy?

14 A. Yes.

15 Q. Tell me about their partitions. Is that what
16 they are? Is it fair to say that there are
17 partitions?

18 A. Yes.

19 Q. And it's fair to say that each student
20 enrichment coordinator has an area that was
21 partitioned off from others?

22 A. Yes.

23 Q. Now, going to the Upward Bound Math and Science
24 program and where they moved, 408, they do not have



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1 partitions in their office, is that correct?

2 A. That is correct.

3 Q. And their office does not provide for
4 confidential communication, is that correct?

5 A. Their offices do not have partitions because
6 the program manager didn't order partitions. The
7 other room where the Educational Talent Search people
8 are was the same type of set up, and the program
9 manager worked and got partitions in there in that
10 room. Partitions are something that is a request, and
11 that some of our faculty work in offices that are
12 shared offices. Other faculty work in places where
13 there are three or four desks in one room. It depends
14 on what they are comfortable with and what their
15 supervisor would support.

16 Q. So I'm asking, is the only way for a program to
17 get partitions is through the program manager?

18 A. The only way. That is the legitimate way to
19 get them is your supervisor.

20 Q. Are there other ways that -- student enrichment
21 coordinators?

22 A. No.

23 Q. No. Okay.

24 MR. McMACKIN: I want to go on the record.



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1 It is 20 of 6. It's after business hours.

2 Dr. Zawislak has commitments this evening. Do you
3 know how much longer you are going to be?

4 MS. BREWINGTON: I don't know. It
5 depends. What would you like to do?

6 MR. McMACKIN: Do you have a preference?

7 THE WITNESS: I don't know how much
8 longer -- I mean, you know.

9 MS. BREWINGTON: There is still a while.
10 I mean, we haven't gotten to, I'd say, half.

11 MR. McMACKIN: I am going to put an
12 objection on the record that this department was
13 noticed for three o'clock in the afternoon, and it's
14 unc customary to start a deposition at that time when
15 it's anticipated to go for a few hours.

16 We are not waiving our right to object to
17 continuing this, and at a certain point we are going
18 to have to stop tonight. And whether or not
19 Dr. Zawislak would be available, I can't say. And
20 whether we are going to be able to present her as a
21 witness again I can't concede. So this may be her
22 only shot, and we can't keep her very late.

23 MS. BREWINGTON: For the record, we agreed
24 to change her time today at your request. Paul Morris



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1 requested that he be moved to the earlier time and not
2 the later time. And we accounted for three hours to
3 take Dr. Zawislak's deposition today.

4 MR. McMACKIN: Okay. If you accounted for
5 three hours, you guys got 20 minutes. It's 20 of 6
6 now.

7 MS. BREWINGTON: But that's not the only
8 reason why this deposition is taking so long. If we
9 review the transcript, it's difficult for me to get an
10 answer out of the witness.

11 MR. McMACKIN: I would disagree and just
12 say that a lot of that has to do with the way the
13 questions are being asked, but we can continue.

14 BY MS. BREWINGTON:

15 Q. Are you aware that Liz Wilson asked Paul Morris
16 for partitions?

17 A. No, I'm not.

18 Q. I'd like to go to another exhibit here.

19 (Zawislak Deposition Exhibit 8 was marked
20 for identification.)

21 BY MS. BREWINGTON:

22 Q. Please take an opportunity to review this
23 document 8.

24 MS. BREWINGTON: Off the record.



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1 (Discussion off the record.)

2 BY MS. BREWINGTON:

3 Q. This document is to Ken Cole from REDACTED
4 REDACTED . She is the program manager. It's dated
5 December 19, 2002. Have you had an opportunity to
6 review it?

7 A. I read it.

8 Q. Did you inform REDACTED that Ken Cole's
9 hours were from 8:30 to 2:30, not 8:00 to 2:00?

10 A. I informed her that working hours of the
11 college are 8:30 to 4:30.

12 Q. That was in reference to Ken Cole?

13 A. In reference to individuals in general.

14 Q. So you didn't specifically indicate to REDACTED
15 REDACTED that Ken Cole's work hours should be 8:00 to
16 2:00?

17 A. No, I did not.

18 Q. Should be 8:30 to 2:00?

19 A. No, I did not.

20 Q. Were you aware that Ken was working 8:00 to
21 2:00?

22 A. What time frame?

23 Q. Around the time of this letter, prior to which
24 would have been, I guess, in the fall of 2002?



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1 A. No.

2 Q. Were you aware at any time that he was working
3 8:00 to 2:00?

4 A. No.

5 Q. When did you become aware he was working 8:00
6 to 2:00?

7 A. When REDACTED informed me that his work
8 hours were going to be until 12:00 o'clock.

9 Q. And when did REDACTED inform you of that?

10 A. At least a week before that when we met with
11 her.

12 Q. So a week before September 19, 2002?

13 A. Yeah.

14 Q. And what was said during that meeting?

15 A. What are Ken's hours? Well, they were -- he's
16 working 8:00 to 12:00. He used to work 8:00 to 2:00.
17 Working -- I say working hours are 8:30 to 4:30. You
18 could work in that time frame.

19 Q. Did you instruct REDACTED to advise Ken
20 of the work hours?

21 A. Yes.

22 Q. Okay.

23 A. Of the college. The work hours of the college.

24 Q. Were you aware that Ken Cole, prior to this



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1 memo being sent, had worked from 8:00 to 2:00 since
2 1999 when he was hired?

3 A. No, I was not.

4 Q. Did REDACTED come to you with concerns
5 that Ken Cole should be working 8:30 to 2:30?

6 A. There was -- there was -- no.

7 Q. When did you become aware that Ken Cole filed a
8 charge of discrimination against Delaware Tech?

9 A. The EEOC thing after the moves.

10 Q. After the moves, but before this e-mail or
11 after this e-mail?

12 A. After the e-mail.

13 Q. After this e-mail. Okay.

14 (Discussion off the record.)

15 BY MS. BREWINGTON:

16 Q. A week before this e-mail is when you had the
17 meeting with REDACTED, correct?

18 A. I don't have the dates.

19 Q. Okay.

20 A. In September I met with her.

21 Q. Is it fair to say that at this time you were
22 aware that Ken had filed a grievance about the job
23 posting of the special programs manager position?

24 MR. McMACKIN: Can you repeat that,



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1 please? I'm sorry.

2 Q. Is it fair to say that you were aware that Ken
3 Cole had filed a grievance with respect to Paul
4 Morris's promotion?

5 A. No.

6 Q. So you weren't aware of --

7 A. This is a follow-up memo that REDACTED gave to Ken.
8 It's not when we had our original discussion.

9 Q. I know, but I asked you, a week earlier you had
10 met with REDACTED and had a conversation with
11 her?

12 A. I met with her twice. And they were -- I don't
13 recall what date she had informed me of this, but it
14 was prior to any of this information.

15 Q. So you don't know whether you were aware of his
16 grievance at the time you had a meeting with her with
17 respect to hours, do you?

18 A. Well, I was not aware.

19 Q. And for the record Ken Cole's grievance was
20 filed on September 5th, 2002, and you indicated a
21 revision in the CCP August update revision September
22 9, 2002.

23 Were you aware that Ken Cole's doctor
24 ordered a reduced work schedule around November 25th,



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1 2002, for medical reasons?

2 A. In November? I don't recall the dates, but I
3 am aware.

4 Q. Are you aware that he presented a doctor's note
5 with respect to his medical needs?

6 A. Yes.

7 Q. Who did he provide this doctor's note to, if I
8 could go to exhibit 9?

9 A. I just know not me.

10 Q. So you don't know who, but you know it wasn't
11 you?

12 A. Yes.

13 Q. Have you ever seen this document?

14 MR. McMACKIN: Is this to be marked?

15 MS. BREWINGTON: Yes, please.

16 (Zawislak Deposition Exhibit 9 was marked
17 for identification.)

18 A. Yeah.

19 BY MS. BREWINGTON:

20 Q. And did Ken Cole provide this doctor's note
21 indicating he was not contagious to anyone, that his
22 doctor wanted him to titrate his return to full
23 activity, which may take several months more?

24 Does it not say that at the bottom here?



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1 MR. McMACKIN: Can you repeat the
2 question? She can read it back.

3 A. Oh, no, I see it. Okay.

4 In November, mm-hmm.

5 Q. Yes or no?

6 A. Yes.

7 Q. Okay. Did Del Tech accept this note and allow
8 him to work a reduced schedule?

9 A. I don't know if it was this note because there
10 was documentation that was requested. This was beyond
11 my level.

12 Q. Okay.

13 A. I can't -- my campus director directed me to
14 find out about reduced work schedule, and there was a
15 series of e-mails, letters that involved HR and not
16 me.

17 Q. So far as whether this was an adequate --

18 A. I couldn't comment.

19 Q. You can't say?

20 A. No.

21 Q. Did REDACTED authorize Ken Cole's start
22 time of 8:00 o'clock?

23 A. Yes.

24 Q. Do you know what Liz Wilson's work hours were?



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1 A. From the documents that I had received, yes I
2 was aware.

3 Q. What were Liz Wilson's work hours?

4 A. Her work hours were from 9:00 to 5:00.

5 Q. Were those her original work hours?

6 A. No, they were not.

7 Q. What were her original work hours?

8 A. 8:30 to 4:30.

9 Q. Did you allow her to switch to 9:00 to 5:00?

10 A. Several years before when she was employed in a
11 different program.

12 Several years before when she was
13 employed --

14 Q. You did?

15 A. Yes, I did.

16 Q. What was the reason for allowing her to switch
17 her hours?

18 A. There was need for the program. We had lost
19 two programs in another area. Liz was not affected as
20 a fund line in those programs. She was available to
21 assist with all the administrative support that went
22 along with that. And she did indicate that her mother
23 was ill and at that time, you know, she needed to be
24 there to take care of her. And I did say, yes, go



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1 ahead. I needed to have a person who knew what they
2 were doing in the program to help me with this. When
3 she transferred to the program, she had no hours. I
4 was unaware for how long she kept those hours because
5 it was to deal with her ill mother.

6 Q. So is it fair to say that the reason why she
7 was allowed to work different hours was for personal
8 reasons as well as for program --

9 A. Yes.

10 Q. -- reasons? Okay.

11 MR. McMACKIN: Can I just to object to
12 that question on the fact it was compound.

13 Q. Are you aware that Brigitte Brown at one point
14 requested a change in her hours?

15 A. Yes, I am.

16 Q. And did you allow her to change her hours?

17 A. No, I did not.

18 Q. And what were her regular working hours?

19 A. 8:30 to 4:30.

20 Q. What did she want to change her hours to?

21 A. She wanted to come in 9:00 to 5:00.

22 Q. Did she give you a reason for wanting to change
23 her work hours?

24 A. Her memo to me indicates yes.



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1 Q. Indicates yes?

2 A. Yes, she did.

3 Q. What was the reason?

4 A. That she had small children, and she choiced
5 into a school, and because she choiced into a school,
6 she would need to be there to take care of
7 transportation needs because of the choice program.

8 Q. Okay. Did you deny her request at that time?

9 A. I consulted with my assistant campus director
10 and campus director who informed me that work hours
11 are 8:30 to 4:30, and that he would not approve any
12 move from that.

13 Q. He denied the request. Are you talking about
14 Lawrence Miller?

15 A. I had to recommend a request.

16 Q. So did you recommend the request?

17 A. I consulted with him related to this and
18 basically that was not a reason that would be
19 acceptable. So, therefore, I did not recommend
20 something in writing after I had a discussion with my
21 supervisor related to this.

22 Q. Is that because it was for, quote, personal
23 reasons?

24 A. Yes.



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1 Q. But Liz Wilson had personal reasons, isn't that
2 correct?

3 A. Yes.

4 Q. And didn't Brigitte Brown also advise you at
5 some point that this change of hours from 9:00 to 5:00
6 would also benefit the students in her program?

7 A. She did not communicate that at that time.

8 Q. Did she communicate it to you at any time?

9 A. Not to me.

10 Q. Did she communicate it to anyone?

11 A. I could not answer that.

12 Q. Why can't you answer?

13 A. Because I don't know if she talked to anyone
14 else.

15 Q. Okay. That's fine if you don't know. I
16 just -- okay.

17 Back to Ken Cole's work hours and how he
18 requested or he had to change his hours from 8:00 to
19 2:00 to 8:30 to 2:00, or when it was the middle, it
20 was 8:00 to noon. Either way, the start time was at
21 8:00, is that correct?

22 MR. McMACKIN: Objection. Vague.

23 Q. Either time, the start time was at 8:30? I'm
24 sorry.



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1 A. I'm confused.

2 Q. Okay. I understand.

3 Back to Ken Cole and his work hours. You
4 instructed that the work hours were from 8:30 to 4:30,
5 correct?

6 A. Mm-hmm.

7 Q. And as I understand it -- correct me if I'm
8 wrong -- Ken Cole requested to work from 8:00 to noon,
9 is that correct?

10 A. Requested?

11 Q. Requested or wanted to work from 8:00 to noon?

12 A. Wanted?

13 Q. Because of medical reasons?

14 A. That's what we were trying to determine. We
15 could not determine that based on the fact that he
16 said -- he said that, I want to work this because of
17 medical reasons.

18 Q. Didn't he provide a doctor's note?

19 A. Not at that point.

20 Q. What point are we talking about? This doctor's
21 note is dated November 25th, 2002?

22 A. Well, I know in October my campus director
23 asked me to look into the -- to determine why Ken's
24 hours need to be reduced.



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1 Q. So then he presented a doctor's note in
2 November of 2002. Was he allowed to work a reduced
3 schedule after?

4 A. Yes, he was.

5 Q. Are you sure about that?

6 A. Yeah.

7 Q. Okay.

8 A. That's what we needed.

9 Q. Isn't it true that he presented the doctor's
10 note and that wasn't sufficient?

11 A. I can't answer that.

12 Q. Wasn't Ken Cole threatened with termination if
13 he did not provide additional information about his
14 illness?

15 A. No.

16 Q. That's not true?

17 A. He was not threatened.

18 Q. He was not threatened with termination?

19 A. No.

20 Q. With respect to Ken Cole and his work hours, I
21 have a memo here that I'd like to mark as an exhibit.
22 This is a memo from REDACTED . It's dated
23 11/13/02, cc Larry Miller, Paul Morris, and Ann
24 Del Negro, if I can have that marked.



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1 (Zawislak Deposition Exhibit 10 was marked
2 for identification.)

3 BY MS. BREWINGTON:

4 Q. Are you aware that, in this memo,
5 REDACTED indicates that she supports Ken's request to
6 work reduced hours until he is feeling 100 percent?

7 A. Yes.

8 Q. Is it also true that REDACTED indicates
9 in her memo that Ken "has been and still is one of
10 most reliable, dedicated, and dependable employees
11 that I have had since becoming a supervisor of this
12 program"?

13 A. That is what REDACTED said in the memo.

14 Q. At what point did Paul Morris change his
15 position to acting department chair?

16 A. When Ann Del Negro moved to a position at the
17 Owens campus in August of 2003, I recommended to
18 Mr. Miller a series of moves.

19 Q. What did you recommend to Mr. Miller?

20 A. I recommended that Jacquita Wright Henderson,
21 who was formerly in a position, was moved to acting
22 assistant director of CCP to fill the void left by
23 Ann, and that Paul Morris moved into her position.

24 Q. Which was?



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1 A. The director of -- or no. Not the director.

2 The department chair.

3 Q. Department chair?

4 A. Of school and community projects.

5 Q. Okay.

6 A. And then I recommended that Rosanna Brown
7 Simmons move into his position. These are all part of
8 a recommendation to our campus director.

9 Q. Around what time was that?

10 A. 2003. August of 2003.

11 Q. So the position of program manager was not
12 posted, is that correct?

13 A. Correct.

14 Q. And as acting department chair of community and
15 school programs, did Paul have all the TRIO programs?
16 Was he a supervisor of all TRIO programs?

17 A. No, he was not.

18 Q. Which program was he not a supervisor?

19 A. Of the TRIO programs, Math and Science.

20 Q. And why not?

21 A. Because Ann Del Negro was supervising all of
22 the TRIO programs. She was working very closely with
23 REDACTED on numerous supervisory issues, and
24 Jacquita Wright Henderson at the assistant director



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1 level, acting assistant director level, assumed those
2 responsibilities, which were Ann's responsibilities.

3 Q. So is it your testimony that UBMS was under Ann
4 Del Negro's control and Jacquita Wright as supervisor
5 because of the issues that REDACTED was having
6 in her position?

7 A. That's a two-part question too.

8 Q. Was Paul Morris not the supervisor of UBMS
9 because REDACTED was having performance issues?

10 MR. McMACKIN: Objection to form.

11 A. It was at the assistant director level that
12 REDACTED performance was being addressed.
13 That's the same level that was being addressed.

14 MR. McMACKIN: We are on overtime now.
15 It's after six. How much longer do you have? Well,
16 actually I guess I should you ask you first. How much
17 more do you have?

18 MS. BREWINGTON: I don't know. I have
19 probably another hour.

20 MR. McMACKIN: What are your thoughts?

21 (Recess taken.)

22 MS. BREWINGTON: I'm going to need a
23 continuance of this case. The time is 6:15, and I
24 don't believe that I can fully depose you with the



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1 remainder of my questions within 45 minutes. The
2 court reporter has indicated that she is possibly
3 losing accuracy and that is something I want to avoid.
4 I would like to continue this deposition at this time.

5 MR. McMACKIN: I just want to state for
6 the record that we are going to object to any
7 continuance, and when the time comes to renote the
8 decision we'll deal with it then.

9 MS. BREWINGTON: Objection noted.

10 MR. McMACKIN: Do you want to stop now?

11 MS. BREWINGTON: Yes. Thank you.

12 (Discussion off the record.)

13 MS. BREWINGTON: Back on the record,
14 without waiving any request to continue this
15 deposition, we are going to go forward today and may
16 continue at a later time.

17 MR. McMACKIN: We are not going to
18 stipulate to that. Counsel for the plaintiffs had an
19 opportunity to either discontinue at about 6:15 and
20 renote the deposition for a subsequent date.
21 Counsel for the defendant offered to stay until 7:00
22 o'clock. Since we are continuing until 7:00 o'clock,
23 we will not stipulate to any continuance or renote
24 of the deposition.



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1 MS. BREWINGTON: Can you let me know the
2 last thing we were discussing?

3 (Record read.)

4 BY MS. BREWINGTON:

5 Q. So we are there. I'm not sure I understand
6 your answer to that question. Could you explain it?

7 A. That Ann Del Negro had responsibilities. The
8 responsibilities that she had for the programs was to
9 work and coach and counsel with a person who was
10 having a difficult time. That was time consuming.

11 Q. Is that why Paul Morris was not responsible for
12 Upward Bound Math and Science?

13 A. That's why that position of school and
14 community programs division, even Jacquita was in that
15 position, that's why that function was not with that
16 level position; it was with Ann.

17 (Pages 119, et seq., are under seal
18 without the seal request ending.)
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1 BY MS. BREWINGTON:

2 Q. When did the problem with REDACTED begin,
3 performance issue?

4 MR. McMACKIN: Confidential.

5 A. Confidential. 2000.

6 Q. So the performance issues began in 2000,
7 correct?

8 A. Yes.

9 Q. And in 2001 when Paul Morris became special
10 programs director, was he responsible for all the
11 programs?

12 A. Yes.

13 Q. If REDACTED was having problems in 2000,
14 along with 2001, why wasn't Ann Del Negro in charge of
15 REDACTED and her group at that time?

16 MR. McMACKIN: Objection. Argumentative.

17 A. Ann Del Negro was REDACTED supervisor
18 until Paul's reclassification request was -- I don't
19 know what the correct word is, but it was
20 acknowledged. It was in July of that year.

21 Q. And at that time in July of that year, 2002, is
22 that correct?

23 A. Yes.

24 Q. Special programs director Paul Morris became in



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1 charge of Upward Bound Math and Science, is that
2 correct?

3 A. Yes.

4 Q. And you already indicated, did you not, that

5 REDACTED began having problems, performance
6 issues in 2001?

7 A. Yes.

8 Q. Okay.

9 A. 2000.

10 Q. 2000 and 2001, correct?

11 A. Correct.

12 Q. So why was Paul Morris put in charge of Upward
13 Bound Math and Science in 2001 even though REDACTED
14 REDACTED was having performance issues at that time?

15 A. He was not put in charge of Upward Bound Math
16 and Science in 2001.

17 Q. As special programs director, Paul Morris
18 wasn't put in charge of Upward Bound Math and Science?

19 A. The time frame is incorrect.

20 Q. When was he put in charge of Upward Bound Math
21 and Science?

22 A. When he was special programs director in July
23 of 2002.

24 Q. Was REDACTED having issues in July of



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1 2002?

2 A. We were continuing to work and coach with her
3 related to her fiscal issues for her grant, yes.

4 Q. So why was Paul Morris put in charge of Upward
5 Bound Math and Science in 2002 even though REDACTED
6 REDACTED was having performance issues at that time?

7 A. The performance issues at that time were at a
8 level that could be handled at the department chair
9 level. They continued to escalate.

10 Q. Kate Sullivan was program manager of Upward
11 Bound Classic, correct?

12 A. Correct.

13 Q. At some point she left her position, is that
14 correct?

15 A. Yes. That's correct.

16 Q. Was her position posted?

17 A. Yes, it was.

18 Q. Was it posted internally and externally at the
19 same time?

20 A. I don't recall.

21 Q. You don't recall? Do you recall who received
22 her position?

23 A. The person who moved into her position was
24 Angie McCloskey.



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1 Q. So Angie posted?

2 A. Mm-hmm.

3 Q. What was Angie's former position?

4 A. She was a student enrichment coordinator.

5 Q. For the Upward Bound Classic program?

6 A. Yes.

7 Q. And did Andrea Coleman post for the program
8 manager position of Upward Bound Classic?

9 A. Yes, she did.

10 Q. Did she receive the position?

11 A. No, she did not.

12 Q. Was Andrea Coleman a student enrichment
13 coordinator?

14 A. Yes, she was.

15 Q. What position did Andrea Coleman move into
16 after her position as student enrichment coordinator?

17 A. Program manager.

18 Q. Program manager of what group?

19 A. Youth in general, like youth camps programs.
20 During the school year there were different types of
21 programs.

22 Q. Around what time did she become program manager
23 of youth programs?

24 A. I don't recall.



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1 Q. Do you recall approximately when?

2 A. It was -- beginning part of 2004, maybe.

3 Q. Okay. The beginning part of 2004-- so when you
4 say beginning --

5 A. January, February.

6 Q. January, February of 2004 she became program
7 manager of youth community --

8 A. Mm-hmm.

9 MS. BREWINGTON: I don't know if you want
10 to do a confidential. I'm going to ask about REDACTED
11 REDACTED

12 MR. McMACKIN: Confidential, please.

13 (Pages 124, et seq., are under seal
14 without the seal request ending.)

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1 BY MS. BREWINGTON:

2 Q. At some point REDACTED left employment
3 with Del Tech, is that correct?

4 A. She was terminated.

5 Q. She was terminated? When was she terminated?

6 A. I believe the date was April of 2004.

7 Q. April of 2004, is that what you said?

8 A. Yeah. Something like that.

9 Q. Why wasn't Brigitte Brown or Ken Cole chosen to
10 become acting Upward Bound Math and Science program
11 manager when REDACTED was terminated?

12 A. I'm going to be brief about this. Jacquita
13 Wright Henderson had been working very closely with
14 REDACTED and had oversight for that program. REDACTED
15 actually physically left Delaware Tech on the --
16 February -- in February, 60 days' notice.

17 So for all intents and purposes, she was
18 working for us at the time that was perceived she had
19 quit.

20 Q. I'm not sure I understand. My question was why
21 wasn't Brigitte Brown or Ken Cole chosen to become
22 acting Upward Bound Math and Science once REDACTED
23 REDACTED was terminated?

24 A. We --



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1 Q. Why?

2 A. One, you gave me two choices. One or the
3 other. One would mean the other wouldn't. So, again,
4 your question is -- you're asking me --

5 Q. Okay. We'll take it apart. Why wasn't
6 Brigitte Brown chosen to become acting Upward Bound
7 Math and Science program manager once REDACTED
8 was terminated?

9 A. That recommendation was not made.

10 Q. Okay.

11 A. There are options that you have.

12 Q. That recommendation was not made. So that's
13 the reason, because a recommendation was not made?

14 A. Correct.

15 Q. Who would have made that recommendation?

16 A. In consultation with program manager direct --
17 you know, Jacquita and myself, we would have to make a
18 recommendation of her approval to the campus director.
19 Only the campus director could --

20 Q. Why didn't you make that recommendation that
21 Brigitte Brown be chosen to become acting Upward Bound
22 Math and Science program manager?

23 A. The other part of your question was why Ken
24 Cole --



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1 Q. And I'll go back to that.

2 A. Right. And that's -- again, looking at where
3 we were and what we --REDACTEDwas not there. Jacquita
4 was there. I had -- there's choices available to you.
5 Do you post something? Do you put somebody in acting?
6 Moving somebody in an acting position is when you need
7 somebody to step right in and right up and be right up
8 to the plate and who was ready to handle that
9 responsibility. Jacquita had been handling that
10 responsibility since prior to whenREDACTEDEven went on
11 medical leave that previous fall.

12 Q. So are you saying that the reason why Brigitte
13 Brown wasn't chosen to become acting Upward Bound Math
14 and Science is because Jacquita Wright Henderson was
15 in that role?

16 A. No. She had oversight for that role. You're
17 not in a role or in a position. Usually when staff
18 move on, either you have somebody who is in a higher
19 position who facilitates what is supposed to be
20 happening in that program until somebody comes on
21 board. When somebody leaves the next day, there's no
22 one right there. Jacquita had been doing that for the
23 program since beforeREDACTEDwent on her medical leave.
24 She had been providing that direct oversight, not in



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1 that position, but the direct oversight.

2 Q. So is it fair to say, then, that the reason why
3 Brigitte Brown wasn't chosen is because Jacquita
4 Wright was overseeing that position?

5 A. There's nothing to be chosen; it is a
6 recommendation.

7 Q. Well, she wasn't recommended?

8 A. Because Jacquita was performing that role.

9 Q. Is that the same reason why Ken Cole wasn't
10 chosen -- wasn't recommended?

11 A. Yes. Yes.

12 Q. I'm sorry. Wasn't recommended?

13 A. Yes. Yes.

14 Q. Now, if Jacquita Wright Henderson had oversight
15 for that position, why, then, was the position posted?

16 A. Because she had oversight for the position.
17 She wasn't the program manager. She wasn't an acting
18 program manager. She was the assistant director of
19 corporate and community programs.

20 Q. So why not put an acting Upward Bound Math and
21 Science program manager in there?

22 A. That was the option that was not pursued.

23 Q. Why not?

24 A. I thought I answered that question.



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1 Q. You didn't.

2 MR. McMACKIN: Asked and answered.

3 Q. When REDACTED left employment, was the
4 position of Upward Bound Math and Science posted?

5 A. Yes.

6 Q. Program manager. I'm sorry.

7 Internally and externally?

8 A. Yes.

9 Q. Why was it posted internally and externally at
10 the same time?

11 A. That was an option that's available to the
12 college.

13 Q. Who made that decision?

14 A. A recommendation of the campus director
15 approves the recommendations.

16 Q. Who made that recommendation?

17 A. Jacquita Wright Henderson and myself as the
18 administrators for the division made the
19 recommendation. Actually, it's called a external post
20 which means internal candidate.

21 Q. So you and Jacquita made a recommendation to
22 post the position internally and externally?

23 A. Yes.

24 Q. Why is that?



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1 A. Because that was an option that was available
2 to us. It's -- you know.

3 Q. Why didn't you choose the other option? Why
4 didn't you choose the option of posting it internally
5 only first?

6 A. The internal posting would not allow for
7 individuals to apply, you know, across the per. It's
8 a choice. You say we are looking -- we just went
9 through with the program manager. We know that we
10 have been operating with Jacquita in an acting role,
11 and we want to look at a pool of applicants.

12 Q. Did you not have a pool of applicants that were
13 internal as part of Del Tech?

14 A. I couldn't answer that.

15 Q. Okay. You can't answer that, but your opinion
16 is that you wanted a pool of external applicants?

17 MR. McMACKIN: Objection.
18 Mischaracterizes testimony.

19 A. I can't answer that.

20 Q. Isn't it the normal practice to post things
21 internally first to promote a policy of hiring from
22 within?

23 A. That is the policy for plan D employees of the
24 college, not for plan A or B or C.



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1 Q. Not for plan A, B, or C?

2 A. There's different -- yes. There are options.

3 Q. So is it mandatory for plan D to post
4 internally first and then externally?

5 A. I can't answer that. I don't post for plan D
6 positions. It's in the personnel manual.

7 Q. Do you know who was on the interviewing
8 committee in March of 2004?

9 A. Yes. I recommend the committee.

10 Q. But for program manager of Upward Bound Math
11 and Science?

12 A. Yes.

13 Q. Who was on the committee?

14 A. Best of my recollection, Paul Morris, Sam
15 Pinella, Andrea Coleman, and Reuben Evans.

16 Q. Did those same individuals serve on the
17 committee in July?

18 A. Mm-hmm.

19 Q. Of 2004?

20 A. Yes.

21 Q. And you said that you were responsible for
22 choosing the interview committee?

23 A. No.

24 Q. What did you say?



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1 A. I am responsible for recommending the
2 committee.

3 Q. Recommending. Okay.

4 Why didn't you recommend any member of
5 Upward Bound Math and Science to be on the committee?

6 A. Why didn't I recommend? We are hiring a
7 program manager, not a senior student enrichment
8 coordinator.

9 Q. I didn't get the names of everybody. Is Reuben
10 Evans a program manager?

11 A. He had been a former -- he had oversight for
12 the TRIO programs back in the day. I can't even tell
13 you when. He's a counselor at the college.

14 Q. He's a counselor. But you're saying he was
15 previously a program manager?

16 A. He had been involved with the TRIO programs
17 prior to when I was involved. I don't know.

18 Q. So you don't know whether or not he is program
19 manager?

20 A. I don't know what his title was, but he was
21 beyond a student enrichment coordinator. So whatever
22 the titles were at that point, he had managerial
23 responsibility and oversight for the program.

24 Q. Is it Saul?



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1 A. Sam.

2 Q. Sam? What's his last name?

3 A. Pinella.

4 Q. Was he a program manager?

5 A. No. He's an instructor.

6 Q. He's an instructor of what?

7 A. Science-y kind of things. Science courses.

8 Q. So he's a teacher? Is that what he is?

9 A. I think his title may be department chair,
10 program coordinator. He has administrative oversight
11 for allied health courses, science course at the
12 Stanton/Wilmington campus.

13 Q. So in choosing or recommending a committee,
14 would you normally choose individuals at that level or
15 higher?

16 A. Yeah.

17 Q. That was the standard. Okay.

18 A. Yes.

19 Q. Okay. Were you aware that Brigitte Brown was
20 denied an interview for the project manager position
21 in March of 2004?

22 A. No.

23 Q. No?

24 A. No.



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1 Q. And the reason why you weren't aware of that?

2 A. It is not part of the process. I just see
3 recommended candidates.

4 Q. Who ultimately became the Upward Bound Math and
5 Science program manager once all these interviews were
6 completed?

7 MR. McMACKIN: Objection. Vague.

8 Q. You can answer.

9 A. What interview -- are you saying each round of
10 interviews that --

11 Q. Who ultimately became Upward Bound Math and
12 Science program manager?

13 A. Andrea Coleman.

14 Q. Wasn't Andrea Coleman serving on the
15 interviewing committee?

16 A. Yes. She had been.

17 Q. And wasn't Paul Morris also serving on the
18 interviewing committee?

19 A. Yes, he was.

20 Q. And didn't both Brigitte Brown and Ken Cole
21 file charges of discrimination against the college
22 prior to Paul being chosen or recommended to be on the
23 committee?

24 A. Yes.



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1 Q. How did Andrea Coleman become the program
2 manager --

3 MR. McMACKIN: Objection. Vague.

4 Q. -- of Upward Bound Math and Science?

5 A. She requested a transfer, which was recommended
6 and approved by the campus director.

7 Q. Recommended by?

8 A. Myself. It goes to the campus director.

9 Q. So you recommended --

10 A. No. Andrea requested directly to him.

11 Q. So you had no role in this?

12 A. When a request is made, then Mr. Miller said,
13 you know, are you in support of this move? You know,
14 it's a team -- he has --

15 Q. So is it fair to say that Andrea made the
16 transfer request to Mr. Miller?

17 A. That's our process.

18 Q. Then he asked you what you thought about it?

19 A. Well, there -- I'm just thinking, but when we
20 get the paper -- I don't know the timing, you know.

21 Q. But is that how it happened?

22 A. I don't know the timing.

23 Q. Okay. I'm not asking about the timing. I'm
24 asking you if --



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1 A. I don't know if I had the discussion with him
2 as she was doing the memo, as she did the memo. I
3 can't tell you the timing.

4 Q. But is it fair to say that she went directly to
5 Mr. Miller to request a transfer?

6 A. The process is that only the campus directors
7 have the authority to approve a transfer.

8 Q. Okay.

9 A. We were aware that the transfer was being made.

10 Q. You were?

11 A. Yes.

12 Q. When you say we, who --

13 A. Jacquita.

14 Q. Jacquita and yourself were aware?

15 A. Yes.

16 Q. Did Andrea Coleman come to you?

17 A. Not to me personally, no.

18 Q. Did she come to Jacquita?

19 A. I can't answer that.

20 Q. You can't answer because you don't know?

21 A. Right.

22 MR. McMACKIN: Can I instruct the witness,
23 in order to help speed things up, if you don't know,
24 just say you don't know.



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1 THE WITNESS: Okay. We'll go on. I'll be
2 faster. Okay. Go ahead. Okay. Okay.

3 BY MS. BREWINGTON:

4 Q. When did Andrea Coleman request a transfer?

5 A. I don't know.

6 Q. When approximately?

7 A. January.

8 Q. January of 2004?

9 A. Yes.

10 Q. And when was the transfer approved?

11 A. January, February. I don't -- I don't know,
12 you know, that time frame.

13 Q. So I'm confused because I must be missing
14 something. She requested a transfer in January 2004,
15 correct, and the approval --

16 A. 2000 -- 2005.

17 Q. Okay. So 2005.

18 A. Right. It's 2006 now.

19 Q. Yeah. Yeah. Okay.

20 MR. McMACKIN: It was when we started the
21 deposition.

22 A. And I'll -- and I'll -- go ahead.

23 Q. So it's January 2005 --

24 A. Yes.



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1 Q. -- when she requested the transfer?

2 A. Yes. Yes. Yes.

3 Q. Okay. I was like --

4 A. No. No. There were -- there were -- 2005.

5 Q. January 2005 she requested a transfer and
6 shortly after that --

7 A. The transfer was granted and she moved to the
8 position.

9 Q. Is it fair to say that Andrea Coleman has less
10 experience than Brigitte Brown with respect to Math
11 and Science, Upward Bound Math and Science?

12 MR. McMACKIN: Objection. Vague.

13 MS. BREWINGTON: I'm sorry. Can I
14 rephrase?

15 BY MS. BREWINGTON:

16 Q. Is it fair to say that Andrea Coleman had less
17 experience in Upward Bound Math and Science when she
18 applied for the transfer?

19 A. Less experience in Math and Science, yes.

20 Q. Is it fair to say that she didn't have any
21 experience with Upward Bound Math and Science when she
22 requested the transfer?

23 A. Yes.

24 Q. Is it fair to say that Ken Cole had more



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1 experience with Upward Bound Math and Science at the
2 time of the transfer?

3 A. Yes.

4 Q. Are you familiar with blanket travel requests?

5 A. Yes.

6 Q. What are they?

7 A. Back in the day you could request travel and
8 say, from this time to this period of time, on no
9 days, no accountability attached, nothing, I want
10 permission to go wherever I want whenever I want
11 and -- stop.

12 Q. Back in the day, when's back in the day?

13 A. Before -- well, fleet service where we get our
14 vehicles, their prices and everything went up, and the
15 campus director made -- wanted to make sure that all
16 of the programs, not CCP, every single program, looked
17 at our fleet vehicle use and how much our cars were
18 being used and who was going where what days, and
19 that, if you had a blanket request, it was not
20 assigned to a particular day and different times
21 and --

22 Q. So did you say when?

23 A. 2002, like that time frame.

24 Q. Were you concerned with the blanket travel



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1 request of the Upward Bound Math and Science student
2 enrichment coordinators --

3 MR. McMACKIN: Objection. Vague.

4 Q. -- at any time?

5 A. Yes.

6 Q. Okay. Was this around 2002 or --

7 A. Yeah.

8 Q. And were you concerned with the blanket travel
9 request of any of the other --

10 A. Yes.

11 Q. -- student enrichment?

12 And what did you do about these concerns?

13 A. Talked to the program managers and said that we
14 need a plan in place so I know what people are in what
15 cars what days of the week. And the Classic program
16 and the Educational Talent Search program are local
17 programs. They go to the same schools every week.
18 They may see different students, but their travel
19 request is pretty much the same. Every Monday I go to
20 Glasgow High School. Every Tuesday I go to Newark
21 High School where they would be using the cars for
22 similar mileage, similar distances on designated days
23 that were very standard and regular. That was not the
24 case with Math and Science.



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1 They had a blanket approval for three
2 months at one point. And then, you know, you see at
3 one point, it's I travel in the month of March. I
4 travel in the month of March and April. I travel in
5 the month of -- we just wanted to know, you know, when
6 did you travel? Your request will be approved. We
7 just need to know when you're going in a car and what
8 time you're going. And we deal with fleet services.
9 And we deal with paying for cars every time. And you
10 have budgets. And you have your program manager who
11 understands what effect this has on the budget.
12 And...

13 Q. So around 2002 did you end the blanket travel
14 request for Upward Bound Math and Science?

15 A. Yes.

16 Q. Did you end the blanket travel request for the
17 other --

18 A. Yes. Every program needed to have their
19 documentation as to how they were using what was in
20 their blanket travel request.

21 Q. So you treated every program the same?

22 A. Yes.

23 Q. So every program had to halt blanket travel
24 requests?



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1 A. And they had to provide documentation as to
2 where they were when.

3 Q. How did you disseminate this information to the
4 student enrichment coordinators?

5 A. That was the responsibility of the program
6 manager.

7 Q. So you spoke with REDACTED ?

8 A. Or Ann did. Ann was her direct supervisor, you
9 know.

10 Q. So Ann spoke with REDACTED ?

11 A. Yeah. The bottom line is, watch your travel
12 expenses and get with everybody and see where it is
13 and start moving things and...

14 Q. What's a school visit calendar?

15 A. It provides accountability as to where the
16 student enrichment coordinators are so they fulfill
17 the requirements of their grants by going to their
18 targeted schools and seeing the students that they
19 indicate that they are supposed to see and have
20 student contact forms for grant accountability.

21 Q. Is the CCP director involved in reviewing
22 school visit calendars for student enrichment
23 coordinators?

24 A. Not on a typical basis, but when things are



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1 brought to my level, I mean, I have to recommend them
2 on to Mr. Miller. If there is something that I have
3 to make a recommendation on and I have questions
4 about, he is the only one who could approve this, and
5 I'm going to ask questions.

6 Q. Did you review Ken Cole and Brigitte Brown's
7 school visit calendars?

8 A. The ones that were provided by REDACTED
9 yes.

10 Q. For what reason?

11 MR. McMACKIN: Objection, vague to the
12 previous question.

13 You can answer.

14 A. Yeah. To see how it affected travel, how it
15 affected flex time, how it affected -- how it affected
16 their program.

17 Q. Did you review school visit calendars of
18 student enrichment coordinators in the Upward Bound
19 Classic program?

20 A. Yes. They were provided as to when the request
21 was made. They said, these are the schools that
22 people are in on these days, and it's a regular
23 program where people go into the program. It's not
24 sporadic, out-of-state travel.



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1 Q. So is it your testimony all of the student
2 enrichment coordinators provided their school visit
3 calendars to you and you reviewed them?

4 A. No. They provided them to their program
5 managers who then forwarded on a recommendation to me
6 that I forwarded on to the campus director.

7 Not me directly in all this. This goes
8 back to the program manager.

9 Q. Were you directly involved in reviewing Ken
10 Cole and Brigitte Brown's school visit calendars --

11 MR. McMACKIN: Objection. Vague.

12 Q. -- at any time?

13 A. When REDACTED sent them to me, because
14 she was requesting approval to -- yes.

15 Q. The other program managers would send you their
16 school visit calendars?

17 MR. McMACKIN: Objection to form. You can
18 answer.

19 A. I was going to say, they went to the same
20 schools every week. That was what their
21 responsibilities were. Their jobs were to go to the
22 schools every week, and that was on their calendar,
23 you know. So it's different when you have a calendar
24 when you go one day here and one day here. You don't



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1 have --

2 Q. So Upward Bound is different than these other
3 schools, is that what you are saying?

4 A. Upward Bound Math and Science, yes.

5 Q. Okay. And Upward Bound was different because
6 they didn't have a regular schedule, is that what you
7 are saying?

8 A. Right.

9 Q. Oh. And is that why you wanted their school
10 visit calendars?

11 A. In order to see about the travel and the
12 visiting schools and one thing -- yes. Yes.

13 Okay. Go ahead. I'm ready.

14 MS. BREWINGTON: If I could have one
15 minute to confer with my client.

16 (Recess taken.)

17 MS. BREWINGTON: I have no further
18 questions.

19 (Deposition ended at approximately
20 7:00 p.m.)

21

22

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24



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03/27/06 MON 14:36 JTX/RX NO 9092 /

ATTACH TO DEPOSITION OF: Susan Elizabeth Jaurisak
 DATE TAKEN: January 27, 2006
 IN THE MATTER OF: Delaware Technical and Community College

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of your deposition, please note any change or correction and the reason therefor on this sheet. **Do not make any marks or notations on the transcript itself.** Rule 30(e) governing this procedure is enclosed. Please sign and date this errata sheet and return it to our office at the address indicated below. Thank you.

PAGE	LINE	CHANGE OR CORRECTION AND REASON
110	16	"book" is the incorrect word
109	3	change word "no" to "those"
129	10	I incorrectly used the word "acting"
		I should have said the word "oversight"

I have read the foregoing transcript of my deposition and, except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statements made by me.

DATED: 3/27/06 Susan E Jaurisak
 (Signature of Deponent)

RETURN TO: WILCOX AND FETZER, LTD.
 1330 King Street
 Wilmington, DE 19801

REPLACE THIS PAGE
WITH THE ERRATA SHEET
AFTER IT HAS BEEN
COMPLETED AND SIGNED
BY THE DEPONENT.



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State of Delaware)
)
New Castle County)

CERTIFICATE OF REPORTER

I, Ann M. Calligan, Registered Merit Reporter and Notary Public, do hereby certify that there came before me on the 27th day of January, 2006, the deponent herein, SUSAN ELIZABETH ZAWISLAK, who was duly sworn by me and thereafter examined by counsel for the respective parties; that the questions asked of said deponent and the answers given were taken down by me in Stenotype notes and thereafter transcribed by use of computer-aided transcription and computer printer under my direction.

I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.

I further certify that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

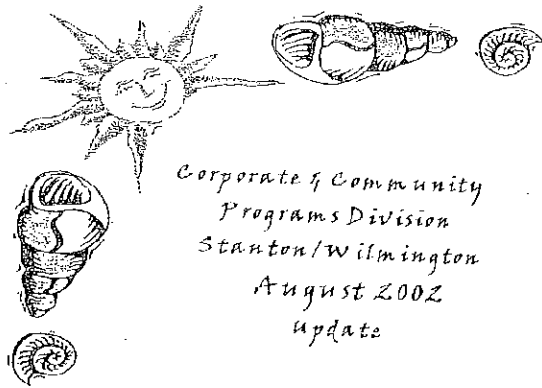


Ann M. Calligan, RMR
(Certification No. 186-RPR)
(Expires January 31, 2008)

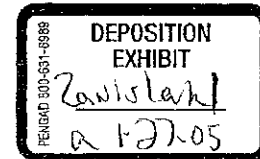


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EXHIBIT 1



8/2/02 10:42



PEOPLE

Diana Ritchie and Mary Beth Vore are welcome additions to the CCP Wilmington office staff. Diana is working in the Upward Bound Classic program, and Mary Beth will be helping with WIA programs. Stop by and say hi!

Paul Morris has been promoted to Special Programs Director, and in addition to Educational Talent Search, has oversight responsibilities for the Federal Trio programs, headed by Upward Bound Math/Science (Rose Henderson, Program Manager) and Upward Bound Classic (Kate Sullivan, Program Manager).

Olive Robbins has undergone surgery, and has come through fine—please keep her in your thoughts as she continues to recuperate. She hopes to be back part-time on August 26th.

Let's welcome back Peggy Jones to the CCP office – she's been recuperating from surgery and returned to full duty on Wednesday July 31st. We're glad she's back!!!

Please extend your best wishes to Dionna Harris, who has accepted a new position with the Christina School District effective August 30th. She will be working as a counselor with at-risk and special needs children.

PROGRAMS

During the summer, while the pace of our non-credit professional and personal development classes slows down, summer youth programs really take off. Some (and certainly not all!) of the highlights:

➤ SUMMER CAMPS

New Camps were added this year, which included Kids in the Kitchen, Wonders of Web Design, Girl Scout, Build It, Bank It (in partnership with JP Morgan Chase), Health Careers, and Computer Camp (one of which was provided for the Girl Scouts). All in all, JP Morgan Chase and the Girl Scouts provided scholarships for 37 students to attend camps, and campers who attended the JP Morgan Chase camp received a computer (free of charge!) donated through the Educational Foundation. Wow!

All programs incorporated field trips and an impressive list of guest speakers representing a diverse range of occupations. Most notably, trips were arranged to the Brandywine Zoo and the Grand Opera House. Great support was also received from Regal People's Plaza Movie Theaters, Oakwood Valley pool, Christiana Skating Center, Pike Creek and Prices Corner Bowling Lanes. Did we say impressive guest speakers? How about Scott Neely for example? If you don't know Scott, maybe you'd recognize his work if you were a fan of Scooby Doo or the Cartoon Network.



Many camps, especially the Web Design camp, were filled early, with most camps being filled to capacity. The return rate for our camp staff was 60%, and we offered an incentive program for the first time this year. This program awards the camp staff for good attitude, sound judgment, or overall way they interact with the kids. In addition, we are fortunate to have 15 kids from the S.O.A.R. program who are Counselor's in Training. This beneficial partnership has allowed our camps to be more than adequately staffed, and the S.O.A.R. kids to be paid for a valuable learning experience.

➤ S.O.A.R. PROGRAM

Other S.O.A.R. activities included placing the students in a variety of positions in Campus offices, such as CCP, the Library, and Administrative Services. In addition to working, S.O.A.R. students have completed computer training in hardware and web design classes here at DTCC. The final project consists of each student to post a web page that they have designed using HTML to a public server. [If you want the full run-down about all the activities, click here.](#)

➤ UPWARD BOUND CLASSIC

The theme of the summer program is, "Explore Your Personal Best". Each day of the week has a different focus, or theme. The trips and presentations have been planned to highlight those themes. The programming themes are: Career and College Exploration; Academic Growth; Personal Development; Community Involvement and Fun Factor Fridays. Two special programs have also been implemented this summer in the UBC program. One is the offering of the PSAT Kaplan Prep Course, for all rising 11th graders in the summer program. The other is ballet and jazz dancing lessons at the Grand Opera House for 10th, 11th and 12th graders that expressed interest in dance. The MBNA Foundation underwrites the PSAT, and the Grand Opera House Foundation donates the dance classes. Upward Bound Classic also held a Multicultural Awareness Day supported by a \$1,000 grant from the Delaware Humanities Foundation. [More information about the program and the guest speakers is available here.](#)

➤ EDUCATIONAL TALENT SEARCH

The Educational Talent Search Program began its Second Annual Junior Educational Talent Search Career Camp on Monday, July 8, 2002. The two-week program was designed to introduce different career fields to the participants. Each day of the camp represented one of eight different career clusters. The career clusters covered during the camp were The Arts,

Health Care, Communications, Engineering, Science, Law & Government, Education & Social Services, and Business. A sampling of the career speakers, as well as more program details...

➤ UPWARD BOUND MATH SCIENCE



Upward Bound Math Science was participating in an ongoing Youth Leadership Program, which is an arm of Toastmasters International. This is a public speaking program in which students learn to present presentations in front a group, and to think on their feet. This program culminated in a debate titled "Table Topics." Upward Bound Math Science students were also exposed to a myriad of professions through workshops and seminars. These students had the opportunity to speak with representatives from Dentistry, Forensic Science, Mortuary Science, Pharmacy, and Medicine. More details are available here.

That doesn't mean that our occupational training programs took a hiatus. The new training contract with Dealer Support Services for the John Deere Company, as well as training for the John Deere Company began in July. Forty-four students are enrolled at the Stanton and Owens Campuses. It is anticipated that this is the first of many training opportunities to come.

ETC courses were held for K-12 teachers and DTCC staff, and enrollment in the summer computer classes continues to grow.

All ITD, Technology Applications, and Workforce Training instructors are gearing up for a busy fall. The Brownfield Technician Training class that begins October 16th is already filled to capacity!

Just check out the Fall Course Schedule and you'll see everything we have to offer from automotive and facilities maintenance, to project management and network security and much, much more!!!

PROPOSALS

We are happy to announce that new WIA voucher funding has been granted for the A+ Help Desk Technician, Basic and Advanced First Core Curriculum for Childcare Providers, Brownfield Technician Certificate, and Certified Nursing Assistant. Project Management Certificate is still pending for approval by the Department of Labor.

POLICIES

UPDATE!!!! A new policy has been implemented, which eliminates the travel advance paperwork. Instead, staff are asked to use the Supercard. Department Chairs and Program Managers are receiving detailed information which will be shared with their respective staff.

PROCEDURES

Remember, if you are accumulating or utilizing your "comp time", it must be approved in advance. Also leave forms must be submitted and approved in a timely manner. Please remember to wait until your leave request is approved before finalizing your vacation plans.

PROFESSIONAL DEVELOPMENT

Congratulations to Ann DeNegro, Jacquita Wright, Peter Lonie, and Paul Morris who were nominated for the Collegewide Leadership Development Program.

Banner processes have been in place for almost a year now! Everyone who uses Banner is learning a lot on a daily basis, and there's more to come. Ask your supervisor about Banner training if you feel that you need more support. Remember the Banner Information page is available from the Intranet site, or you can click [here](#). It is a valuable tool for those quick how-to answers.

A Sexual Harassment workshop is being presented on Thursday, August 22nd from 1:30 – 3:30 p.m. in Wilmington Conference rooms A & B. While this training is mandatory, you must cover your office. Other dates for training will be announced shortly.

PASS IT ON

ARE YOU AWARE:

Inservice 2002 will be held at the Wilmington Campus on Friday, August 16th. Continental breakfast at 8:15 a.m., and Dr. George begins his address at 9:00 a.m.

Middle States Open Forums will be held from 1 – 3:00 p.m. in the SE Conference Centers in Wilmington.

Staff Senate will be meeting on August 14th in Stanton room D118 at 2:30 p.m. All B and C staff are invited to attend!

In-Person registration for credit courses will be held on August 20th and 21st for the Fall 2003-01 semester from 8:30 a.m. to 8:00 p.m. The Fall 2003-01 semester officially begins on August 26th.

If you have information regarding *people, programs or professional development* activities that you'd like included in the September Update, please email me by August 23rd at zawislak@college.dtcc.edu.



EXHIBIT 2

MEMORANDUM

TO: CCP Staff

FROM: Susan E. Zawislak
Director

DATE: September 9, 2002

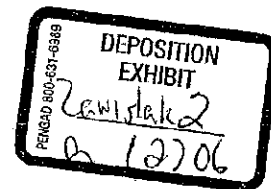
SUBJ: CCP August Update Revision

In a memo dated May 15, 2002, issued by Karen Stone, Associate Vice President for Human Relations, to Salary Plan B Merit Comparable Employees and Salary Plan C Regular, Part-Time Merit Comparable Employees, the open period for reclassification review was announced to be held May 16-May 31, 2002.


According to Karen's memo - *In order to be eligible for a classification review, there must have been a SIGNIFICANT change in the duties and responsibilities of the position since last evaluated and classified/reclassified. Reclassification requests may be initiated by either the employee or the supervisor. In either case, a "DTCC Position Classification Review Statement of Significant Change" form must be completed. This form is available in each campus Human Resources Office.*

As a result of this process, as of July 1, 2002, Paul Morris was reclassified to Special Programs Director, not promoted, as noted in the CCP August update.

SZ:lg



August Update Revision

 memo re CCP August Update Revision.doc	<p>Name: memo re CCP August Update Revision.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message</p>
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Attachment I

DEF 000001

EXHIBIT 3

MEMORANDUM

TO: Jackie Jenkins
Director of Human Resources

FROM: Lawrence H. Miller
Vice President and Campus Director

SUBJECT: Rescission of the Reclassification of Paul Morris

DATE: October 29, 2002

Effective December 1, 2002, Mr. Paul Morris will be returned to his position of Program Manager and removed from the position of Special Projects Director. Please make the appropriate adjustments to his salary to accommodate this change.

Thank you for your prompt attention to this matter.

ms

cc: P. Morris

CONFIDENTIAL

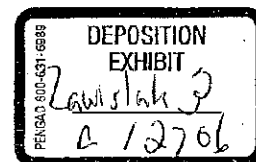
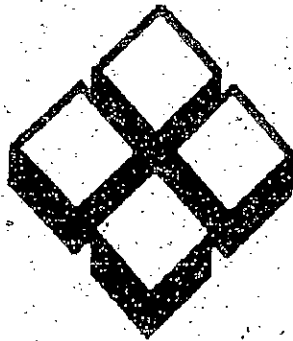


EXHIBIT 4

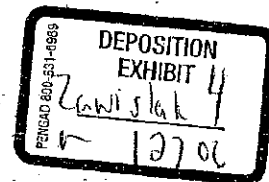
ATTACHMENT #1

FY99 ACHIEVEMENT REPORT



DELAWARE TECHNICAL
& COMMUNITY COLLEGE

STANTON/WILMINGTON CAMPUS



DEF 000998

FY 1999 Achievement Report
Corporate and Community Programs Division

CORPORATE AND COMMUNITY PROGRAMS DIVISION
STANTON/WILMINGTON CAMPUS

COLLEGE EFFECTIVENESS

Goal 1 Complete the reorganization of the Corporate & Community Programs Division to provide more effective and efficient delivery of services. Campus Plan Goal

Objective 1 Review current organizational structure and staffing needs.

- *The new Educational Training Specialist position category and coordinator/department chair structure was approved in July 1998. Assignments were allocated by program unit/departments within the CCP division. This provided for more accountability in budgets and staffing. As a result, some staff was reassigned based on workload and funding streams; other positions will be posted as part-time. Greater coordination and grouping of similar programs occurred in some areas while other areas of program overlap are under review. Our greatest challenge is to continue to modify the structure as new programs/funding streams are added or eliminated.*

Objective 2 Reexamine existing office space and reallocate where appropriate.

- *The CCP offices at both the Stanton and Wilmington campuses have become more efficient as a result of the reallocation of space to create neighboring programmatic working groups. Specifically: The Program Developers work adjacent to the office support staff (that handles inquiries and processes registrations) at Stanton. The Bell Atlantic Project team has moved into the A-wing at Stanton adjacent to the office support staff. The Camp on Campus staff now works adjacent to the office support staff. A three-room office suite in the A-wing was added to allow the cluster of ABC Programs and*

FY 1999 Achievement Report
Corporate and Community Programs Division

potential Vista employees at Stanton. The entire TRIO staff is now housed in the East-wing at Wilmington and while they are located on different floors, the individual programs are now in closer working groups. The Community Programming staff has moved into the Southeast-wing at Wilmington, and is now adjacent to CCP classrooms and facilities.

Objective 3 Evaluate current operational procedures and develop more uniformity throughout the division:

- *The Community Program component of CCP had completed a draft "process map" that explains the responsibilities and actions of core functions. This document helped to identify several key areas such as cash handling procedures, processing of registrations, and database management that lacked uniformity. We have since conducted meetings, drafted policies, and implemented procedures with the full intent of uniformity, yet have allowed a small degree of autonomy for programs that must follow different rules for different program/funding reasons. Standardization has also been discussed related to incoming software and internal systems.*

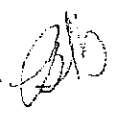
Objective 4 Analyze computer hardware and software needs and develop a division plan for future purchases.

- *A survey was drafted and conducted in the Fall that queried all CCP employees of the capabilities of their existing hardware and software. A report was compiled that identified our Division-wide needs for new and additional hardware and software. As a result of this plan eight new computers were purchased in April, which enabled us to give staff members significantly improved equipment. The use of compatible software versions will make the transfer of files more efficient and more frequent. While this reflects some progress, additional work is needed.*

EXHIBIT 5

8-14-02

EXHIBIT 4

From: Brigitte Brown 
Kenneth Cole
Elizabeth Wilson

To: Ann Del Negro
Sue Zawislac

Cc: Paul Morris
Rosetta Henderson

We are requesting a meeting to discuss some issues that we attempted to resolve with Paul Morris. Our issues are legitimate and valid. They impact employee relations, employee morale, and employee productivity. These issues cannot be conveyed on paper and just submitted, because we feel that they are important and warrant a meeting. We feel that we are being denied due process by not being giving the opportunity to meet with you to express our concerns.

The mission of the Corporate & Community Programs Division, Stanton/Wilmington Campus, is to provide lifelong learning opportunities to a diverse population through quality education and training programs. We are proud to be a part of such a diverse and innovative program division by working in the TRIO program. We support your vision and mission to the fullest by putting in 150% of ourselves daily. All we are asking is for fairness and consideration.

Brigitte Brown
Ken Cole
Elizabeth Wilson

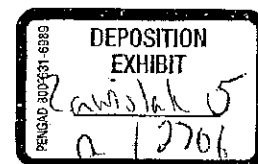
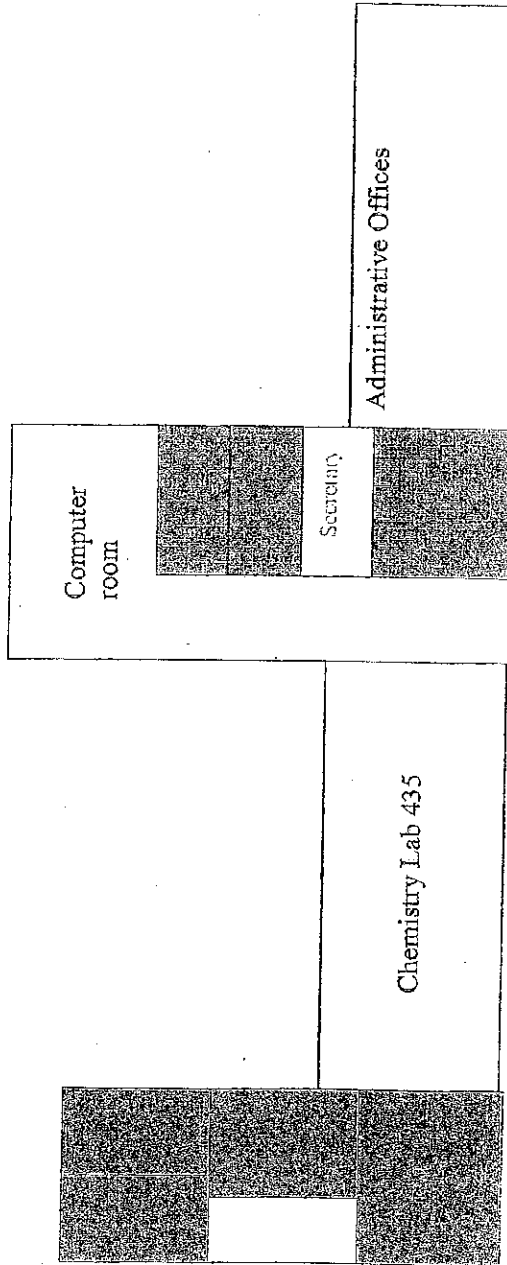
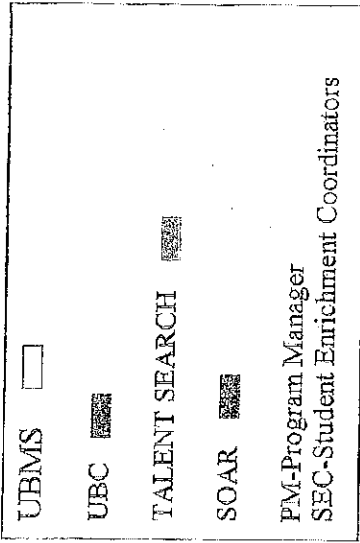
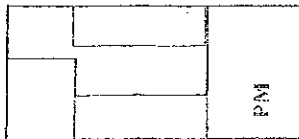


EXHIBIT 6





PRESENT SET UP ON 4TH FLOOR

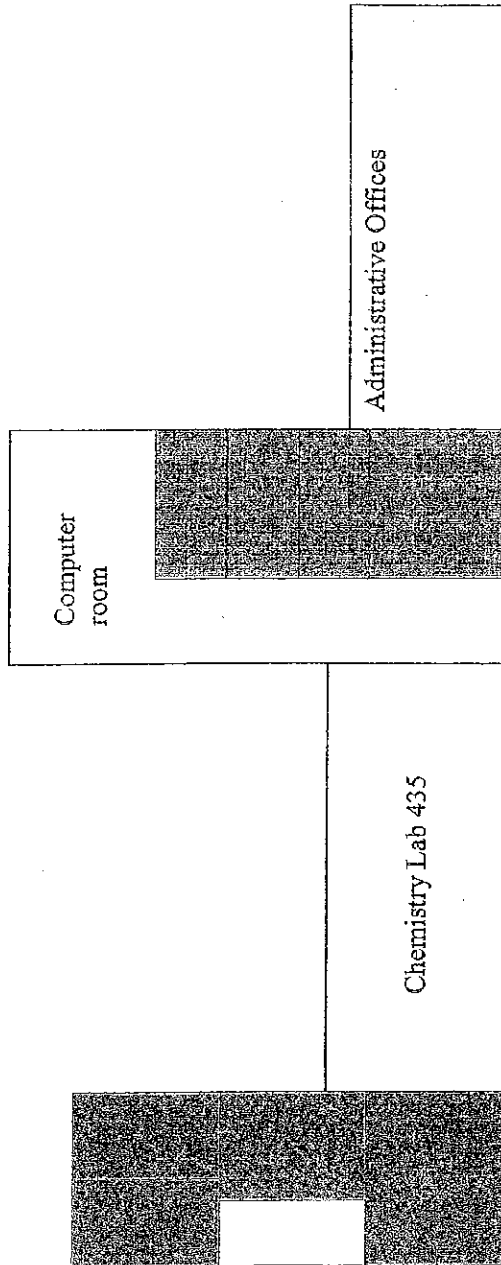


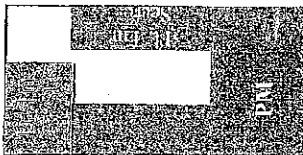
DEPOSITION
 EXHIBIT
 2615166
 0 12206



Proposed Move-Cost vs. Allocation of Space
 TS will hire a part time person
 Pro:
 -UBMS in one area
 Cons:
 -UBMS Inadequate space
 -UBMS Program Manager not with other PM
 -Classic PM not with UBC Team
 -Empty office Space (Storage/Secretary)
 -7 employees must be moved
 -Not Cost Effective

UBMS 
 UBC 
 TALENT SEARCH 
 SOAR 
 PM-Program Manager
 SEC-Student Enrichment Coordinators





Alternative 1

Switch only Tonia and Liz
 SOAR's Pt. Secretary can use existing desk
 TS part time could use existing desk.

PROS:

Most Cost Effective
 Only 2 employees move
 Most Youth Programs are together

CONS:

UBC PM not with team

UBMS ☐

UBC ☐

TALENT SEARCH ☐

SOAR ☐

PM-Program Manager

SEC-Student Enrichment Coordinators

PM

SEC

SEC

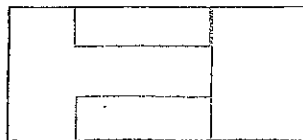
SEC

SEC





Computer Room

Chemistry Lab 435

Administrative Offices



Alternative 2
 Pros:
 UBMS SEC's & Secretary together
 (with adequate space)
 UBC SEC's & Secretary together
 (with adequate space)
 All PM are together
 Cons:
 Less Costly 6 employees moved

UBMS 
 UBC 
 TALENT SEARCH 
 SOAR 
 PM-Program Manager
 SEC-Student Enrichment Coordinators

PM

PM

PM

SEC

PM

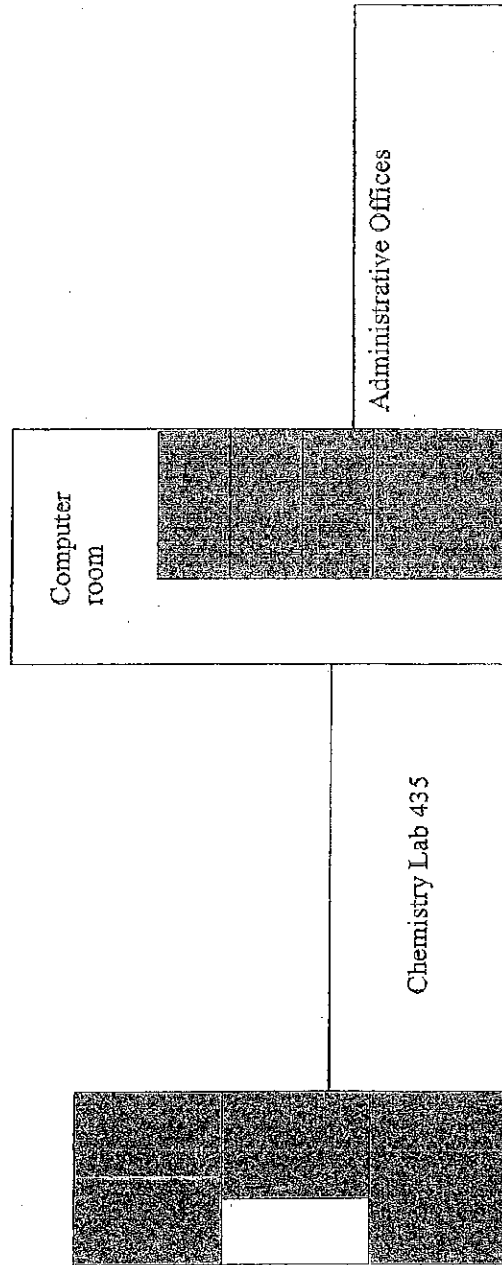


EXHIBIT 7

Violation of Federal Grant.

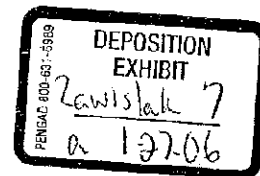
**DELAWARE TECHNICAL
& COMMUNITY COLLEGE
WILMINGTON CAMPUS
WILMINGTON, DE 19801**



**UPWARD BOUND
MATH AND SCIENCE
CENTER**

**PROGRAM YEARS
November 1, 2004 - October 31, 2009**

**Submitted
November 22, 2002**



Brown/Cole 068

Exhibit 5

Delaware Technical & Community College
Wilmington Campus

2004 - 2009

PART TIME SALARIES

TRIO Administrator	
10% of base salary (\$50,000)	\$ 5,000
Youth Care Workers (5)	
\$11.27 per hour x 37.5 hours per week x 6 weeks x 5	\$12,679
Summer Instructors (6)	
\$28.00 per hour x 29 hours per week x 6 weeks x 6	\$29,232
Summer Tutor I (2)	
\$9.92 per hour x 29 hours x 6 weeks x 2	\$ 3,452
Summer Tutor II (1)	
\$14.90 per hour x 29 hours x 6 weeks	\$ 2,593
Academic Year Tutor I (1)	
\$9.92 x 10 hours x 40 weeks	\$ 3,968

TOTAL PART TIME SALARIES \$56,924

TOTAL SALARIES \$204,738

FRINGE BENEFITS (e and f)

Full Time Flexi Benefits (g)	\$ 39,718
FICA (h)	\$ 12,694
Medicaid (h)	\$ 2,969
Workman's Compensation (h)	\$ 2,784
Unemployment Insurance (h)	\$ 246

(g) College policy regarding fringe benefits compensation for full time employees at 26.87% includes pension plan benefits, medical benefits flexi benefits for the Delaware Technical & Community College Fringe Benefits package effective November 1, 1998.

(h) FICA (6.2%), Medicaid (1.45%), Workman's Compensation (1.36%), and Unemployment Insurance (0.12%) includes benefits for both full and part-time employees.

TOTAL FRINGE BENEFITS \$ 58,411

TOTAL PERSONNEL \$263,149

TRAVEL

STAFF TRAVEL

Staff travel to schools (When State car is not available)

Brown/Cole 069

Exhibit 6

NEW

Delaware Technical & Community College 2004-2009
Wilmington Campus

(d) *Applicant and Community Support*

1. The applicant is committed to supplementing the project with resources that enhance the project.

The college provides the UBMS Center with a suite of offices conveniently located in the East Wing of DTCC/ Wilmington (See Diagrams D-1 and D-2). The Center will be within easy reach of students. It is in the same building as the cafeteria, student services, library, career center and chemistry, biology and academic skills labs; with easy access to the West and South East Buildings with the library, fitness center, and conference facilities. The Center also has access to all other college facilities, and the use of college vehicles.

The East Wing is easily accessible and offers many educational advantages. In addition to the facilities mentioned above, the East Wing has a newly renovated tutoring room that includes computer terminals and resource materials for student use, and houses other federal TRIO programs, making collaboration among the youth programs practical and possible. The college provides office space for the secretary and coordinators that includes file cabinets and office equipment. The Project Director has a separate office that includes file cabinets, storage areas, and office equipment. The East wing provides privacy areas for confidential conversation with Center participants. In addition, space in the Basic Skills Center, library and a conference room, conveniently located next to the UBMS offices is available for staff and student meetings.

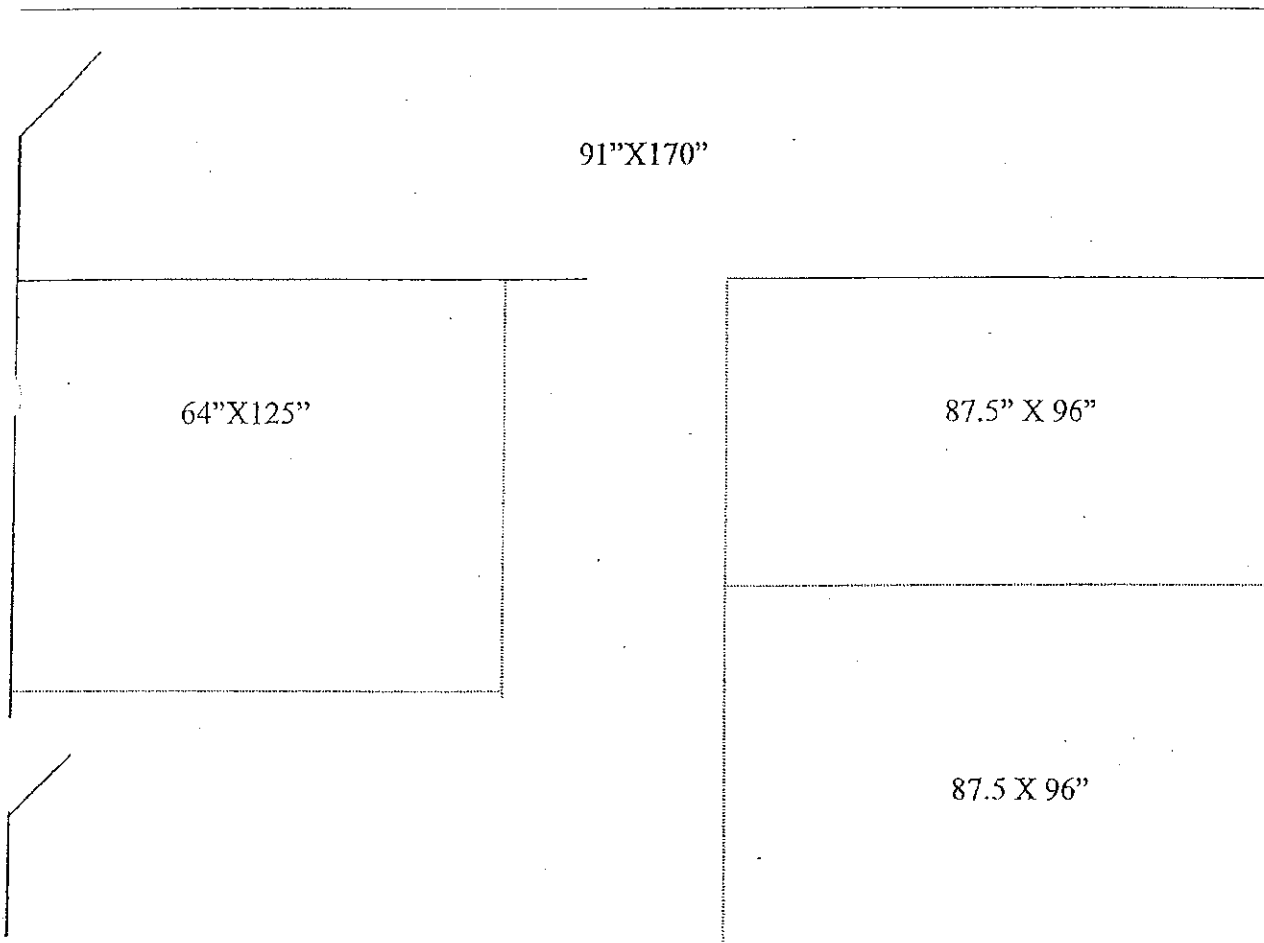
By placing the UBMS Center in the same building with other student support services, such as the financial aid and admissions offices, both the UBMS staff and the participants have ready access to information that is vital. College staff has already shown their support for the program by offering assistance in retrieving and clarifying information and by supporting students who are referred to them. In particular, the Financial Aid Office, Marketing and

Brown/Cole 070

Diagram 2004-2009

408

DTCC - Wilmington Campus Offices
(Fourth Floor - East Building)



DRAWING NOT TO SCALE

Brown/Cole 071

Exhibit 7

Delaware Technical & Community College
Wilmington Campus

Existing Grant

(d) Applicant and Community Support

1. The applicant is committed to supplementing the project with resources that enhance the project.

The college provides the Upward Bound Math and Science Center with a suite of offices conveniently located in the East Wing of the Wilmington Campus (Please see floor plans on the following page). In the same building with the cafeteria, student services, library, career center and academic skills laboratories and with easy access to the West Building with the library and fitness center, the Upward Bound Math and Science Center will be within easy reach of students. The Center also has access to all other college facilities, and the use of college vehicles for transportation.

The East Wing is easily accessible and offers many educational advantages. The office suite provides space for the secretary's office together with file cabinets and office equipment. The counselor will use one of the cubical style offices. The Center Director occupies the large office; it has space for staff meetings, storage and tutoring. The suite of offices provides privacy for confidential conversation with center participants. In addition, space in the Basic Skills Center, library and campus classrooms is available for tutoring purposes and group meetings.

By placing the Upward Bound Math and Science Center in the same building with other student support services, such as the financial aid and admissions offices, both the Upward Bound Math and Science staff and the participants have ready access to information. Access to these offices is vital, and college staff have already shown their support for the program by offering assistance in retrieving and clarifying information and by supporting students who are referred to them. In particular, the Financial Aid Office, Marketing Office and Counseling staff have agreed to extend to the program materials and hours to provide all participants with better information.

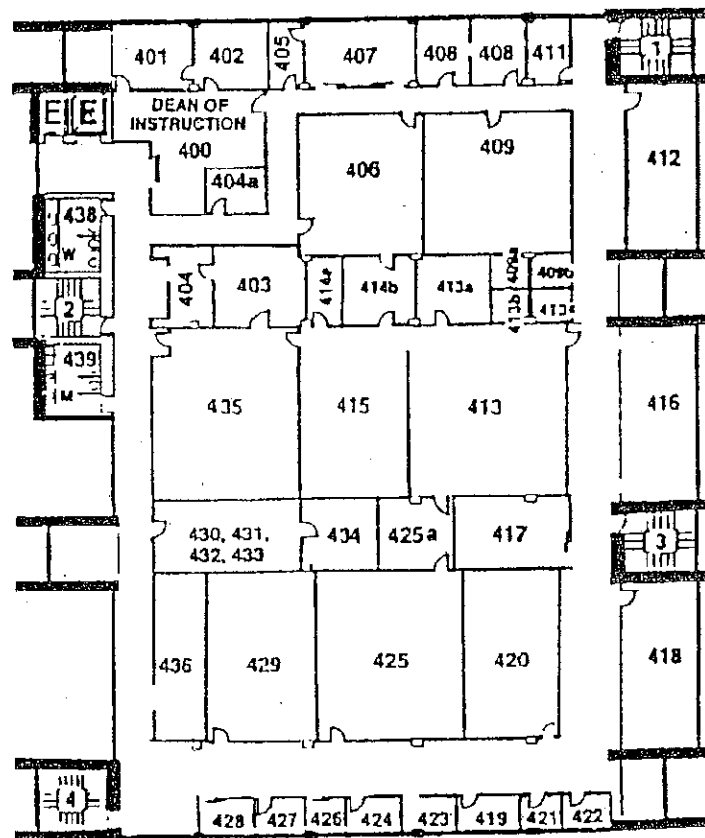
Brown/Cole 072

Delaware Technical & Community College
Wilmington Campus

Existing Grant

Diagram 92A

Upward Bound – Rooms 426, 430, 431, 432, 433



Fourth Floor – East Building
Admin. Services – Room 436
Dean of Development – Room 404
Dean of Instruction – Room 400
Language & Culture – Room 409
Math Lab – Room 406

92A

Brown/Cole 073

EXHIBIT 8

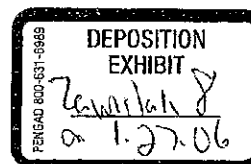
Page 1 of 1

ken cole

From: "Rose Henderson" <rhenders@college.dtcc.edu>
To: <Kcole@college.dtcc.edu>; <rhenders@college.dtcc.edu>
Sent: Thursday, September 19, 2002 11:17 AM
Subject: Re: working hours

This is to formally document our discussion regarding working hours. Dr
Zawislak
has informed me that working hours are from 8:30 am-4:30 pm and that I
do not have the authority to permit you to start at 8:00 am. You
informed me that when you started working for UBM/S ~ 3 years ago we had
an informal agreement that you could begin work at 8:00 am and that you
are asking me to get an official ruling from Human Resources, based on
the fact that you are TPT and that you are under contract and that are
limited to 15 to 29 hrs/week.

Rosetta M. Henderson
Program Manager
Upward Bound Math Science
Del Tech & Community College
302-657-5110
fax 657-5187



11/7/02

DEF 000346

EXHIBIT 9

DEC 02 2002 4:09PM HP LASERJET 3200

P-1



John E. Hocutt, Jr., M.D.
3521 Silverside Road
Wilmington, DE 19810

Report Data
Patient: Kenneth Cole
Visit: 13537
Date: 11/25/02
Examiner: John Hocutt, Jr., M.D.

Subjective

Subjective: The patient is here for an office visit. Generally, he is doing better. Would like to have a note/form stating that his condition is not contagious to his working environment.

Allergies:

NKDA

Vitals:

BP: 108/60 Left Arm, Sitting Wt: 154 lb

Objective

Objective: Fundi clearNeuro no focal lesionNo nystagmusNo nodesAfebrileAlert, oriented x 3

Impressions:

Start Stop

Viral meningitis, NOS 08-26-02 C
Allergic Rhinitis, cause unsp 05-09-02 C

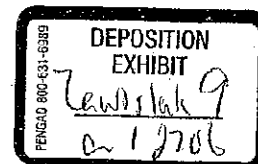
Patient Discussion

Patient Discussion: The findings of today's visit were discussed with the patient. Advised re pace, should be able to return to full activity which may take several more months. Extra prn. Recheck prn.

He is not contagious and he is of no risk to anyone else.

John E. Hocutt, Jr., M.D.

Encounter Charges
Charge Diagnosis
99213 Viral meningitis, NOS(047.9)



DEF 000109

WILMINGTON CAMPUS
O.T. & C.G.
2002 DEC 18 PM 4 22
HUMAN RESOURCES
RECEIVED

DEAR _____

JOHN E. HODUTY, JR., M.D., F.A.A.F.P.
LYNN MORGAN, M.S., A.P.N.
CULLEN BUILDING WEST
3521 GARDENWAY ROAD - SUITE 2-B
WILMINGTON, DE 19810
302-475-7800 FAX: 302-475-9879

NAME Ken Cole DATE 11/14/02
ADDRESS _____

☒ Please Print

up / day limit @ work
should gradually return
to full time over next
3 wks for 11/28/02 →
3/1/03

REFILL ☒ YES

SUBSTITUTION PERMITTED

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED, PHARMASER MUST INDICATE
"BRAND NECESSARY" OR "BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW.

25-RP342

THRU0025, 100004610-02, 01_20749_0002

EXHIBIT 10

**Upward Bound
Math/Science**

Memo

To: Sue Zawislak, Director of Corporate and Community Programs
From: Roseetta M. Henderson, Program Manager of Upward Bound Math/Science /RMH
CC: Larry Miller, Paul Morris and Ann Del Negro
Date: 11/13/02
Re: Kenneth Cole

In my discussion with Ken today in reference to your memo dated November 11, 2002, he informed me that his meeting & discussion with Mr. Miller was in regards to a Grievance he filed and a "Supplement to the Grievance" in which he alleged that he felt the group (UBM/S) and him was being retaliated against the Director of Corporate and Community Programs.

Ken also informed me that in the meeting, Mr. Miller inquired about his working hours and in addition to other acts of retaliation that he alleged.

Ken said he told Mr. Miller that on his start date, November 1999, he entered into a verbal agreement with me, prior to signing the contract that he would be able to work from 8:00 am to approximately 2:00 pm. Note: I have since learn that I did not have that authority, see attached e-mail dated September 19, 2002.

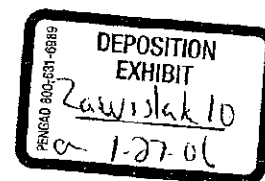
Ken indicated to me that he feels that since the filing of the Grievance and the "move," you retaliated against him by changing his mutually agreed upon time from 8:00 am to 8:30 am. See attached e-mail dated September 19, 2002

Prior to Ken's illness, in mid August 2002, he was working from 8:00 am to 2:00 pm. Upon his doctor's advice, Ken started working from 8:00 am to 12:00 pm.

After the "Grievance" was filed and the concerns about the "move", Ken stated that you changed his working hours from 8:00am - 12:00 pm to 8:30 am to 12:00 pm thus, reducing his working hours.

Additionally, in support of Ken's request to work reduced hours until he is feeling 100%, I support that request. Ken has been and still is, one of the most reliable,

1



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dedicated, and dependable employees that I have had since becoming supervisor of this program.

During the six-week, summer residential program, the students go home on Fridays and return on Sundays to 30th Street Station, in Philadelphia where an UBM/S representative meets them, checks attendance, and gets them on a school bus for their return to the dorm. In previous years this task was alternated among the summer employees. For the past three years, in order to bring some continuity to this task, Ken has volunteered to go to the 30th Street Train Station **every Sunday** afternoon during the six-week program, starting on Fathers Day and ending the last week of July.

Also, during the six-week residential program, problems have occurred in the dorm at night that needed the attention of a member of the regular UBM/S staff. Anytime of the night when I've called Ken to go to the dorm and assist the staff, it did not matter whether it was 9:00 pm or 12:00 am, he was always willing to go and assist the staff. There have been times at night when he has gone to the hospital with sick students and when needed stayed at the dorm as late as 2:00 am in the morning. Ken always kept me informed of the progress of any situation and always stayed until the problem was solved.

I am pleased with the quality and quantity of Ken's work. The student's in our program look up to Ken and sees him as a positive role model. I hope this letter addresses your concerns.

attachment